

# REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

## Adopted Rule Reviews

Employees Retirement System of Texas

### Title 34, Part 4

Pursuant to the notice of the proposed rule review published in the February 14, 2014, issue of the *Texas Register* (39 TexReg 1005), the Employees Retirement System of Texas (ERS) reviewed 34 Texas Administrative Code (TAC) Chapter 81, Insurance, pursuant to Texas Government Code §2001.039, to determine whether the reason for adopting the rules in Chapter 81 continues to exist. No comments were received concerning the proposed review.

As a result of the review, the ERS Board of Trustees (Board) has determined that the reason for adopting the rules in 34 TAC Chapter 81 continues to exist, and therefore, the Board readopts Chapter 81 with amendments as published in the July 8, 2016, issue of the *Texas Register* (41 TexReg 4960). Chapter 81 was adopted with changes by the Board at its August 16, 2016, meeting. This completes ERS' review of 34 TAC Chapter 81, Insurance.

TRD-201604197

Paula A. Jones

Deputy Executive Director and General Counsel

Employees Retirement System of Texas

Filed: August 16, 2016



Texas Optometry Board

### Title 22, Part 14

The Texas Optometry Board readopts without change the following rules contained in Title 22, Chapter 277, of the Texas Administrative Code, after reviewing the rules and finding that the reasons for initially adopting the rules continue to exist: §277.1. Complaint Procedures, §277.2. Disciplinary Proceedings, §277.3. Probation, §277.4. Reinstatement, §277.5. Convictions, §277.6. Administrative Fines and Penalties, §277.7. Patient Records, §277.8. Emergency Temporary Suspension or Restriction, §277.9. Alternative Dispute Resolution, and §277.10. Remedial Plans.

The proposed rule review was published in the June 17, 2016, issue of the *Texas Register* (41 TexReg 4499). No comments were received.

The rule review was conducted pursuant to Texas Government Code §2001.039. This concludes the review of rules in Chapter 277.

The Texas Optometry Board readopts without change the following rules contained in Title 22, Chapter 279, of the Texas Administrative Code, after reviewing the rules and finding that the reasons for initially

adopting the rules continue to exist: §279.1. Contact Lens Examination, §279.2. Contact Lens Prescriptions, §279.3. Spectacle Examination, §279.4. Spectacle and Ophthalmic Devices Prescriptions, §279.5. Dispensing Ophthalmic Materials, §279.9. Advertising, §279.10. Professional Identification, §279.11. Relationship with Dispensing Optician - Books and Records, §279.12. Relationship with Dispensing Optician - Separation of Offices, §279.13. Board Interpretation Number Thirteen, §279.14. Patient Files, §279.15. Board Interpretation Number Fifteen and §279.16. Telehealth Services.

The proposed rule review was published in the June 17, 2016, issue of the *Texas Register* (41 TexReg 4499). No comments were received.

The rule review was conducted pursuant to Texas Government Code §2001.039. This concludes the review of rules in Chapter 279.

The Texas Optometry Board readopts without change the following rules contained in Title 22, Chapter 280, of the Texas Administrative Code, after reviewing the rules and finding that the reasons for initially adopting the rules continue to exist: §280.1. Application for Certification, §280.2. Required Education, §280.3. Certified Therapeutic Optometrist Examination, §280.5. Prescription and Diagnostic Drugs for Therapeutic Optometry, §280.6. Procedures Authorized for Therapeutic Optometrists, §280.8. Optometric Glaucoma Specialist: Required Education, Examination and Clinical Skills Evaluation, §280.9. Application for Licensure as Optometric Glaucoma Specialist, §280.10. Optometric Glaucoma Specialist: Administration and Prescribing of Oral Medications and Anti-Glaucoma Drugs, and §280.11. Treatment of Glaucoma by an Optometric Glaucoma Specialist.

The proposed rule review was published in the June 17, 2016, issue of the *Texas Register* (41 TexReg 4499). No comments were received.

The rule review was conducted pursuant to Texas Government Code §2001.039. This concludes the review of rules in Chapter 280.

TRD-201604201

Chris Kloeris

Executive Director

Texas Optometry Board

Filed: August 17, 2016



Texas Board of Physical Therapy Examiners

### Title 22, Part 16

The Texas Board of Physical Therapy Examiners adopts the review of the following chapters in accordance with Texas Government Code §2001.039:

Chapter 321, concerning Definitions; Chapter 322, concerning Practice; Chapter 323, concerning Powers and Duties of the Board; Chapter 325, concerning Organization of the Board; Chapter 327, concerning Compensation; Chapter 329, concerning Licensing Procedure; Chapter 335, concerning Professional Title; Chapter 337, concerning Display of License; Chapter 339, concerning Fees; Chapter 341, concerning License Renewal; Chapter 342, concerning Open Records; Chapter 343, concerning Contested Case Procedure; Chapter 344, concerning Administrative Fines and Penalties; Chapter 346, concerning Practice Settings for Physical Therapy; and Chapter 347, concerning Registration of Physical Therapy Facilities.

The proposed notice of intent to review rules was published in the May 27, 2016, issue of the *Texas Register* (41 TexReg 3921).

No comments were received on the proposed rule review.

The Texas Board of Physical Therapy Examiners has assessed whether the reasons for adopting or readopting the rules continue to exist. The Texas Board of Physical Therapy Examiners finds that the rules in the chapters are needed, reflect current legal and policy considerations, and reflect current procedures of the Texas Board of Physical Therapy Examiners. The reasons for initially adopting the rules continue to exist. The Texas Board of Physical Therapy Examiners readopts the chapters.

TRD-201604135

John P. Maline

Executive Director

Texas Board of Physical Therapy Examiners

Filed: August 15, 2016



Texas Veterans Commission

#### **Title 40, Part 15**

Chapter 460. Fund for Veterans' Assistance Program

The Texas Veterans Commission (Commission) has completed its review of 40 TAC Chapter 460, relating to Fund for Veterans' Assistance Program.

The notice of proposed rule review was published in the May 22, 2015, issue of the *Texas Register* (40 TexReg 2793). The Commission received no comments regarding the proposed rule review.

After completing its review of 40 TAC Chapter 460, the Commission determined that the reasons for initially adopting the rules continue to exist. Furthermore, the review process indicated that amendments were necessary to delete outdated references and update the proper authorities cited. Such amendments were proposed and published in the May 20, 2016, issue of the *Texas Register* (41 TexReg 3629).

Elsewhere in this issue of the *Texas Register*; the Commission concurrently adopts the amendments to 40 TAC Chapter 460. Therefore, the Commission readopts Chapter 460 with amendments as published in the May 20, 2016, issue of the *Texas Register* (41 TexReg 3629) and adopted by the Commission at its August 10, 2016 meeting.

This notice concludes the Commission's review of 40 TAC Chapter 460.

TRD-201604030

H. Karen Fastenau Meisel

General Counsel

Texas Veterans Commission

Filed: August 11, 2016

